

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

IN RE WORLD TRADE CENTER  
DISASTER SITE LITIGATION

**21 MC 100 (AKH)**

ROBERT ASCOLILLO, Plaintiff

**10 CV 2024**

v.

THE CITY OF NEW YORK, Defendant

**NOTICE OF PLAINTIFFS' MOTION FOR AN ORDER  
"SO ORDERING" A SUBPOENA DUCES TECUM UPON  
THE STATE OF NEW YORK WORKERS' COMPENSATION BOARD**

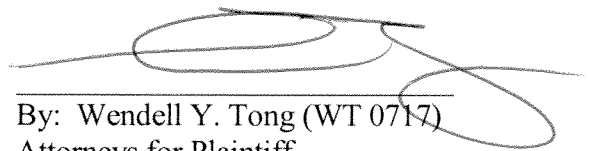
Upon the annexed certification of Wendell Y. Tong, an attorney, dated October 13, 2010 and the exhibits annexed thereto, Plaintiff Robert Ascolillo will move this Court, the Honorable Alvin K. Hellerstein, United States District Judge, presiding, Room 14D, United States District Court, Southern District of New York, 500 Pearl Street, New York, New York 10007 for a "so ordered" subpoena, pursuant to Rule 45 of the Federal Rules of Civil Procedure and New York Civil Practice Law and Rules 2307, compelling the State of New York Workers' Compensation Board to produce records of decision regarding Plaintiff's Workers' Compensation award and all supporting documents, including: medical records, narrative reports, affidavits, notices of award, claims forms, disability

determination, transmittal forms and internal memoranda regarding the Plaintiff Robert Ascolillo, and for such other and further relief as this Court deems just and proper.

Dated: New York, New York  
October 13, 2010

Respectfully submitted,

SULLIVAN PAPAIN BLOCK  
McGRATH & CANNAVO P.C.

A handwritten signature in black ink, appearing to read 'Wendell Y. Tong', is written over a horizontal line.

By: Wendell Y. Tong (WT 0717)  
Attorneys for Plaintiff  
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**TO:**

Sandra Olson  
Secretary to the Board  
State of New York Workers' Compensation Board  
20 Park Street, Room 410  
Albany, NY 12207

State of New York Workers' Compensation Board  
P.O. Box 5205  
Binghamton, NY 13902

**DEFENDANTS' COUNSEL:**

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